

#3



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

Daikichi FUKUSHIMA

Appln. No.: 09/700,397

Confirmation No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Filed: November 14, 2000

Examiner: Not Yet Assigned

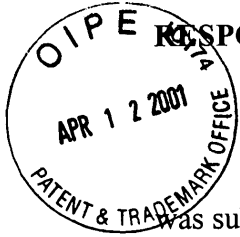
For: NOVEL POLYPEPTIDE, cDNA ENCODING THE SAME, AND USE OF THEM

**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES**Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This response is in regard to the Notification to Comply, mailed March 30, 2001, issued in the above referenced patent application. A copy of that Notification is attached. The Notification to Comply was mailed March 30, 2001, and stated that the time period for reply was set forth in the accompanying Notification of Missing Requirements under 35 U.S.C. §371. However, no time period for reply was indicated anywhere on the Notification of Missing Requirements. In any event, this reply is being filed before April 30, 2001, less than 30 days after the mail date of the Notification to Comply, and is therefore timely.

In the Notification to Comply, it is stated that the computer readable form (CFR) of the Sequence Listing is missing from the papers submitted by Applicants on January 5, 2001.



RESPONSE TO NOTIFICATION TO COMPLY

Q61459

In response, Applicants assert that the computer readable form of the Sequence Listing was submitted on January 5, 2001, along with a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825, a paper copy of the Sequence Listing, and a Preliminary Amendment. Thus, the filing of January 5, 2001, was complete in all respects under 37 C.F.R. §§1.821-1.825. Applicants enclose herewith a stamped copy of the filing receipt as proof of the completeness of the January 5, 2001, filing.

However, because the computer readable form of the Sequence Listing appears to have been misplaced by the U.S. PTO, Applicants enclose herewith a copy of the computer readable form of the Sequence Listing, and a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825 stating that the copy of the Sequence Listing on the diskette is the same as both the paper and computer readable form of the Sequence Listing filed January 5, 2001.

Because the filing of January 5, 2001, was in full compliance with 37 C.F.R. §§1.821-1.825, Applicants respectfully request that the Office accord the present application a date of January 5, 2001, by which all requirements under 37 C.F.R. §§1.821-1.825 had been met.

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Respectfully submitted,

Drew Hissong
Registration No. 44,765

Date: April 12, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.govO I P E
APR 12 2001

U.S. APPLICATION NO.	09/700397	FIRMS NAMED APPLICANT	FUKUSHIMA	ATTY DOCKET NO.	Q61459
SUGHRUE MION ZINN MACPEAK & SEAS 2400 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20037 3213					
INTERNATIONAL APPLICATION NO.					
PCT/JP99/02485					
F A FILING DATE			PRIORITY DATE		
13 MAY 99			14 MAY 98		
DATE MAILED: 30 MAR 2001					

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☐ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☐ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE
CALL:**

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

Barbara A. Campbell

Telephone: 703-305-3631



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DCKET NO.
09/700397	FUKUSHIMA	D Q61459
INTERNATIONAL APPLICATION NO.		
PCT/JP99/02485		
FILED DATE	PRIORITY DATE	
13 MAY 99	14 MAY 98	
DATE MAILED		
30 MAR 2001		

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037 3213**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☐ an Elected Office (37 CFR 1.495):

- | | |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventor(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- | | |
|---------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---------------------------------------------------|-----------------------------------------------------------------|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☒ PCT/DO/EO/920

Barbara A. Campbell

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3631



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FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of

Daikichi FUKUSHIMA, et al.

Appln. No. 09/700,397

Group Art Unit: Not Yet Assigned

Filed: November 14, 2000

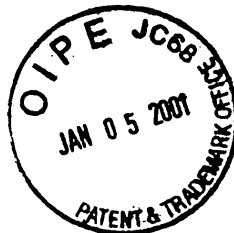
Examiner: Not Yet Assigned

For: NOVEL POLYPEPTIDES, cDNA ENCODING THE SAME, AND USE OF THEM

PAPER(S) FILED ENTITLED:

1. PRELIMINARY AMENDMENT
2. STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825
3. substitute SEQUENCE LISTING
4. SEQUENCE LISTING IN COMPUTER READABLE FORMAT

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860



DOCKET NO.: Q61459
ATTORNEY/SEC: MXB/MAH

Date Filed: January 5, 2001